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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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ANTHONY McCHRISTIAN,

8   Petitioner,

9   v.

10   PATRICK GLEBE,

11   Respondent.

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CASE NO. C12-5185 BHS

ORDER DENYING
PETITIONER'S MOTION TO
AMEND JUDGMENT

13   This matter comes before the Court on Petitioner Anthony McChristian's

14   ("McChristian") motion to amend judgment. Dkt. 18.

15   On August 9, 2012, the Court dismissed McChristian's petition for writ of habeas

16   corpus and denied a certificate of appealability. Dkt. 16. On August 16, 2012,

17   McChristian filed a motion to amend judgment. Dkt. 18. McChristian argues that the

18   Court erred in ruling on the merits of his first ground for relief and the Court erred by

19   failing to grant a certificate of appealability. *Id.* With regard to the former, the Court

20   concluded that McChristian had failed to show that he was sentenced "beyond the

21   maximum the trial judge could have imposed within the statutory range without any

22   additional findings." Dkt. 16 at 4. McChristian contends that, in order to grant relief, the

1 Court required Supreme Court precedent that was "on all fours" with McChristian's facts.

2 Dkt. 18 at 3. This is inaccurate. The Court concluded that the Supreme Court precedent

3 involved sentencing beyond the statutory maximum and McChristian's sentence was at

4 the low end of the applicable range. Therefore, the Court **DENIES** McChristian's

5 motion on this issue.

6   With regard to a certificate of appealability, the Court found that reasonable jurists

7 would not debate whether McChristian's petition presented a valid constitutional

8 violation. Nothing in McChristian's current motion alters that finding. Therefore, the

9 Court **DENIES** McChristian's motion on this issue.

10   If McChristian should appeal this motion, the Court also **DENIES** McChristian a

11 certificate of probable cause. *See Lynch v. Blodgett*, 999 F.2d 401, 403 (9th Cir. 1993).

12   **IT IS SO ORDERED.**

13   Dated this 6th day of September, 2012.

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16   BENJAMIN H. SETTLE
                      United States District Judge

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ORDER - 2